

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CINDY CARTER,

Plaintiff,

-against-

FONTAINE SHERIDAN, et al.,

Defendant.
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MEMORANDUM OPINION
and ORDER

CV 05-5295 (LDW) (ETB)

In order to minimize the intrusion on the one-on-one communication between the examining psychiatrist and plaintiff, the Rule 35 examination should take place at the office of the examining psychiatrist, Dr. Marc Stephan Reubins, rather than in the adversarial setting of plaintiff's counsel's office or the offices of defendants' counsel, as requested by defendants. See, Baba-Ali v. City of New York, 1995 WL 753904 at *2 (S.D.N.Y. December 19, 1995) ("the special nature of a psychiatric examination requires direct and unimpeded one-on-one communication, without external interference or intrusion."). Alternatively, the offices of a professional colleague of the examining psychiatrist would be acceptable, provided that it is reasonably located.

The examination may be recorded by audio device, provided that the audio system is inobtrusively placed. A copy of the audio recording shall be provided to plaintiff's counsel within five (5) days of the completion of the examination.

The length of the examination shall be limited to four (4) hours, provided, however, that in the event that Dr. Reubins administers the MMPI-II test, the time may be extended for that purpose. The examination shall be completed, in any event, within seven (7) hours, unless

otherwise authorized by the court.

Discovery is extended to January 15, 2007. A list of witnesses and exhibits for trial shall be filed on or before January 26, 2007.

SO ORDERED:

Dated: Central Islip, New York
November 29, 2006

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge